

### **Remarks**

Paragraph 1 of the Office Action objected to the form of the original multiple dependent claims as improper under 37 CFR 1.75(c). The multiple dependent claims have been amended to avoid any further basis for objection under 37 CFR 1.75(c).

Paragraphs 2 and 3 of the Office Action objected to the form of claims 1-3 under 35 U.S.C. 112, second paragraph, as “indefinite”. The present amendment removed the terms “such as” and “in particular” from claims 1, 3, 4, 12, and 15 in accordance with the Examiner’s request. Applicant believes his amended claims are in full compliance with the requirements of 35 U.S.C. 112. If the Examiner would like to suggest additional changes in form of the claims to place this case in better condition for allowance by Examiner’s Amendment, a telephone call to applicant’s undersigned attorney will be appreciated.

Paragraphs 4 and 6 of the Office Action rejected claims 1 and 2 as anticipated under 35 U.S.C. 102(b) by Miller U.S. 4,932,705. Paragraphs 5 and 7 rejected claim 3 as “obvious” under 35 U.S.C. 103(a) in view of Miller. Applicant amended claim 1 to distinguish his invention more clearly from Miller, whether Miller is considered alone or in any valid combination with the other references of record herein. Amended claim 1 describes the holes in applicant’s foil as “comprising a through opening completely circumscribed by a continuous outer edge”, as shown in Figure 5 of the drawings. Amended claim 1 also requires a “net having an area ratio of holes to foil of 3:1 or more”, incorporating the deleted terminology of original claim 6. Several dependent claims also contain significant wording distinguishing the present invention from Miller.

Miller describes a tailgate or barrier 1 for closing an open end of a truck bed, comprising a rectangular sheet 2 of flexible material. The barrier is perforated in a regular pattern so as to permit substantially free flow of air. The perforations are generally U-shaped slits 20, separated by vertical webs 21 and horizontal webs 22 in an orthogonal pattern. The central portion of each U is a depending flap that flexes out of the plane of the sheet or membrane, forming a louver permitting air to flow through the slit 20. Brand name, advertising, or special interest indicia 23 may be printed on the sheet material of the tailgate 2 prior to cutting the U-shaped slits 20. See col. 1, lines 44-62 and col. 2, lines 16-39.

Applicant’s amended claim 1 requires that his holes comprise through openings completely circumscribed by a continuous outer edge. This requirement is inconsistent with Miller’s U-shaped slits 20 which lack a through opening circumscribed by a continuous edge. Miller’s slits 20 partially outline his flaps which fail to meet claim 1’s

requirement of a ratio of holes to foil of 3:1 or more. Whether a truck outfitted with Miller's tailgate is driven or stationary, Miller's tailgate does not possess any holes or through openings as in applicant's invention.

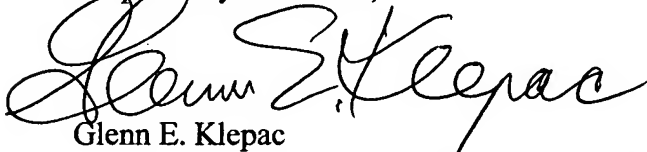
Amended dependent claim 13 states that applicant's foil has a textile structure whose fibers are glued or welded together. Miller does not disclose any such material.

Dependent claim 14 states that applicant's foil material is transparent or semi-transparent. This requirement is inconsistent with Miller's alleged advantage of not exposing the entire cargo area to public view (col. 1, lines 33-35).

Miller's lack of transparency or semi-transparency is also inconsistent with new claim 24 (sports net); new claim 25 (volleyball net); new claim 26 (goal net); and new claim 27 (tennis net). In sports it is important to be able to observe the other side of a playing field or court through the net, even at an acute angle. This advantage of applicant's invention makes his net especially useful for volleyball and beach volleyball nets. See applicant's specification, page 3, lines 1-5. In contrast, Miller's tailgate does not provide at any angle the visibility needed for use as a net in competitive sports.

The foregoing Amendment describes applicant's invention in terms distinguishing clearly and patentably from the prior art references of record. Accordingly, applicant requests early notice of allowance.

Respectfully submitted,



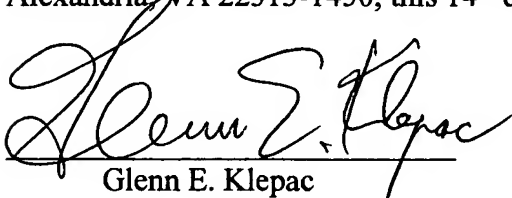
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**Certificate of Mailing**

I hereby certify that the foregoing Amendment A was transmitted by first class mail, postage prepaid, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, this 14<sup>th</sup> day of November, 2008.

  
Glenn E. Klepac